

United States District Court

for the
Western District of New York

United States of America

v.

Case No. 25-MJ-1264

GENDRY AMILCAR NIZ-NIZ

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about March 16, 2025, in the County of Niagara, in the Western District of New York, the defendant, **Gendry Amilcar Niz-Niz**, did knowingly and willfully make a materially false, fictitious, or fraudulent statement to an agent of the United States Border Patrol, in a matter within the executive branch of the United States Government.

In violation of Title 18, United States Code, Section 1001(a)(2).

This Criminal Complaint is based on these facts:

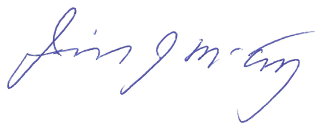
☒ Continued on the attached sheet.


Complainant's signature
RYAN KWIATKOWSKI
BORDER PATROL AGENT
U.S. BORDER PATROL
Printed name and title

Sworn to and signed telephonically.

Date: March 21, 2025

City and State: Buffalo, New York


HONORABLE JEREMIAH J. McCARTHY
UNITED STATES MAGISTRATE JUDGE
Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

I, RYAN KWIATKOWSKI, being duly sworn, deposes and states:

1. I am a Border Patrol Agent with United States Border Patrol (“USBP”), within the Department of Homeland Security (DHS), and have been so employed for the past (13) years. In such capacity, my duties include investigating violations of the Immigration and Nationality Act and other related federal statutes, such as violations of Title 18, United States Code, Section 1001(a)(2).

2. I make this affidavit in support of the annexed criminal complaint charging Gendry Amilcar NIZ-NIZ: (1) in a matter within the executive branch of the Government of the United States, did knowingly and willfully made a materially false, fictitious, or fraudulent statement to an agent of the United States Border Patrol; all in violation of Title 18, United States Code, Section 1001(a)(2).

3. The statements contained in this affidavit are based upon my personal knowledge and upon information provided to me by other U.S. Customs and Border Protection Officers. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to

establish probable cause to believe that Gendry Amilcar NIZ-NIZ did violate Title 18, United States Code, Section 1001(a)(2).

4. At approximately 4:30 PM on March 16, 2025, at a traffic stop located in the City of Lockport, New York, in the Western District of New York, Supervisory Border Patrol Agent (SBPA), Jonathan Moran encountered Gendry Amilcar NIZ-NIZ. Gendry NIZ-NIZ (hereinafter as “the Defendant”) was operating a red single cab pickup truck on Main Street when he was pulled over by Lockport Police Department for numerous vehicle and traffic violations. Lockport Police Department had requested assistance from United States Border Patrol personnel identifying a foreign identification document that the Defendant had provided for identification.

5. Upon arriving at the vehicle stop an officer with Lockport Police Department provided SBPA Moran with an identification card appearing to have originated from the Republic of Guatemala Department of Transportation. This card was bearing the name Juan MARTINEZ-CHAVEZ with a date of birth of 08/27/1999. With this card SBPA Moran approached the Defendant’s vehicle to speak with the driver. The Defendant was unable to speak in the English Language, so all questions and responses occurred in the Spanish Language. The Defendant was asked his name and country of citizenship, to which he responded “Juan Martinez.” The photo on the identification card matched the Defendant.


6. Several questions were asked to the Defendant to ascertain his citizenship and legal status to be in the United States. SBPA Moran also conducted immigration checks utilizing the name and date of birth listed on the identification card which did not show any documentation of a legal entry into the United States. In addition to this the Defendant also admitted to entering the United States illegally and that this was the first time he had been encountered or arrested by immigration authorities. Based on the totality of this field interview, the Defendant was placed under arrest for violations of 8 USC 1229(a)

7. The Defendant was transported to Niagara Falls Border Patrol Station for intake and processing. During this time the Defendant was again asked if he had previously been encountered by law enforcement to which he again stated this was his first time. The Defendant's fingerprints were captured utilizing CBP systems and ran through CBP databases. His fingerprints returned with a positive result indicating that he had previously been arrested by CBP under the name Gendry Amilcar NIZ-NIZ in Tucson, Arizona on 11/16/2021.

8. SBPA Moran presented this information to the Defendant and asked him to state his true and correct name to which he replied "Gendry NIZ." SBPA Moran then asked the Defendant to state his birthday to which he responded, "I was born in December in 2006." Both the name and date of birth are different than the name initially presented on the identification card. When asked why the Defendant was utilizing a false identity the Defendant stated he did not know.


9. SBPA Moran advised the Defendant that presenting a false identification card to law enforcement and willfully misrepresenting your identity was a crime in the United States and that he would be charging him with this crime. The Defendant stated that he understood and invoked his right to legal counsel.

WHEREFORE, I respectfully submit the foregoing facts to establish probable cause to believe that on March 16, 2025, Gendry Amilcar NIZ-NIZ: (1) in a matter within the executive branch of the Government of the United States, did knowingly and willfully made a materially false, fictitious, or fraudulent statement to an agent of the United States Border Patrol, in that the defendant provided a name to the agents that he knew to be false; all in violation of Title 18, United States Code, Section 1001(a)(2). I further request that a Criminal Complaint in the form annexed be issued.



RYAN KWIATKOWSKI
Border Patrol Agent
U.S. Border Patrol

Sworn to before me telephonically
on this 21st day of March 2025



HON. JEREMIAH J. MCCARTHY
United States Magistrate Judge